

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE**  
**ATHLETIC ASSOCIATION STUDENT-**  
**ATHLETE CONCUSSION LITIGATION**

) MDL No. 2492  
)  
) Master Docket No. 1:13-cv-09116  
)  
) Judge John Z. Lee  
)  
) Magistrate Judge M. David Weisman

## ANNUAL REPORT OF THE MEDICAL SCIENCE COMMITTEE

I, Wayne R. Andersen, declare as follows:

1. I am a former United States District Judge of the United States District Court for the Northern District of Illinois. On July 15, 2016, the Court appointed me as Special Master in the above-named matter, with “the responsibilities and tenure set forth in the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 11.) Included among those responsibilities is serving as the Chair of the Medical Science Committee (“Chair”). (Dkt. 558-1, ¶ VIII.1.) As Chair, I make this report and declaration in that capacity and am competent to testify as to its contents.<sup>1</sup>

2. Pursuant to the Second Amended Settlement Agreement, the Parties<sup>2</sup> “agreed on the appointment of four (4) medical experts with expertise in the diagnosis, care and management of concussions in sport and mid- to late-life neurodegenerative disease to the Medical Science Committee: (i) Dr. Brian Hainline; (ii) Dr. Robert Cantu; (iii) Dr. Ruben Echemendia; and (iv)

Dr. Robert Stern.” (Dkt. 558-1, ¶ V.A.1) On July 15, 2016, the Court appointed these four individuals to the Medical Science Committee, with “the responsibilities and tenure set forth in the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 12.) The members of the Medical Science Committee have reviewed and approved the contents of this report.

### **Designated Information**

3. The “Benefits to Settlement Class Members” section of the Second Amended Settlement Agreement includes the following provision:

Within sixty (60) Days of a Medical Evaluation performed at a Program Location, the evaluating physician will send the results and/or diagnosis and report to the Qualifying Class Member or the Qualifying Class Member’s physician at the direction of the Qualifying Class Member. Subject to the Qualifying Class Member’s written consent, the evaluating physician will also send designated information to the Program Administrator. The Program Administrator will maintain the confidentiality of any personally-identifiable information but will aggregate the results from all evaluations to share with the Medical Science Committee for the purpose of assessing and adjusting the cut scores used to qualify Settlement Class Members for Medical Evaluations, as set forth in the accompanying Expert Report of the Medical Science Committee.

(Dkt. 558-1, ¶ IV.B.5(d).)

4. On February 18, 2020, the clinical neuropsychologists on the Medical Science Committee, Drs. Echemendia and Stern, met with the Program Administrator to define the “designated information” described above.<sup>3</sup>

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<sup>3</sup> Because the collection of such designated information is for the purpose of “assessing and adjusting the cut scores used to qualify Settlement Class Members for Medical Evaluations,” and because all test results collected from Medical Evaluations to make such adjustments will come from the clinical neuropsychology portion of the Medical Evaluation, the Program Administrator and members of the Medical Science Committee decided to hold this initial meeting to define “designated information” with Drs. Echemendia and Stern only, with the results of the meeting subject to a subsequent review by the full Medical Science Committee. (See Dkt. 558-1, ¶ IV.B.5(d).)

5. On May, 7, 2020, the full Medical Science Committee met with the Program Administrator. During the meeting, the Medical Science Committee reviewed and unanimously approved the designated information proposed by Drs. Echemendia and Stern. The Program Administrator will collect this designated information from Program Locations, subject to each Qualifying Class Member's written consent, and will provide de-identified data resulting from such collection to the Medical Science Committee for review on a periodic basis.

6. As part of this review process, the Medical Science Committee also amended the neuropsychological battery of the Medical Evaluation to remove the King-Devick Test and the Balance Error Scoring System. The Medical Science Committee decided to remove the King-Devick Test because it is more suited for use with acute injury occurring in the first few days following head trauma, which is not at issue here, and because it requires the use of a proprietary tablet that many clinicians may not currently own, which the members of the Medical Science Committee agreed could place an undue burden on Program Locations. The Balance Error Scoring System was removed because the test duplicates the assessment of balance that will be performed during the neurology portion of the Medical Evaluation. The Medical Science Committee did not amend any other aspect of the Medical Evaluations and believes that the Medical Evaluations meet the current standard of care and fit the purposes of the Medical Monitoring Program.

#### **Assistance with Program Location Enrollment**

7. During a meeting with the Parties and the Program Administrator on December 6, 2016, the Medical Science Committee provided guidance to the Program Administrator regarding the suitability of potential Program Locations. For several of these potential Program Locations,

one or more members of the Medical Science Committee indicated that they may be able to assist the Program Administrator's efforts through contacts they had within the organizations.

8. During the May 7, 2020, meeting with the Program Administrator, the Medical Science Committee reviewed the Program Administrator's progress in contracting with the proposed Program Locations and offered assistance in specific situations where the Program Administrator was experiencing challenges enrolling the proposed Program Locations.

9. In the period since the May 7, 2020, meeting, members of the Medical Science Committee have worked closely with the Program Administrator to facilitate contracting with several potential Program Locations. Of the forty-seven (47) Program Locations that have been contracted in nineteen (19) cities, a number have been contracted due at least in part to the efforts of the Medical Science Committee.

#### **Review of the Online Screening Questionnaire**


10. In May 2020, the Program Administrator completed initial development of the online Screening Questionnaire software and began software testing. During the testing phase, the Program Administrator provided access to the Medical Science Committee for their review. Following review and feedback to the Program Administrator, the Medical Science Committee gave its approval to the design and implementation of the online Screening Questionnaire. As part of this review, the Medical Science Committee did not make any amendments to the Screening Questionnaire criteria. The Medical Science Committee believes those criteria meet the current standard of care and fit the purposes of the Medical Monitoring Program.

#### **Summary**

11. The activities described above represent those undertaken by the Medical Science Committee to fulfill its responsibilities under the Settlement in 2020. With the first Medical Evaluations under the Medical Monitoring Program scheduled to take place in early 2021, the

Medical Science Committee looks forward to working closely with the Program Administrator to ensure delivery of Medical Evaluations in accordance with the terms of the Second Amended Settlement Agreement.

EXECUTED on this 18th day of December, 2020, at Chicago, Illinois.



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The Honorable Wayne R. Andersen  
United States District Judge (Ret.)  
Special Master